

REMARKS

Claims 93-114 were previously pending in this application. By this amendment, Applicant cancels no claims. Claims 93, 98, 103 and 107 are amended herein. No new claims are added. As a result claims 93-114 are pending for examination with claims 93, 98, 103 and 107 being independent claims. No new matter has been added. The application as presented is believed to be in condition for allowance.

Summary of Telephone Conference with Examiner

Applicant thanks Examiner Gillis for his time and courtesy during the telephone interview conducted on December 2, 2010 with the Applicant's representative Thomas McGinnis. Applicant accepts as accurate the Examiner's Interview Summary filed December 7, 2010. Further, as discussed below, Applicant herein amends the claims as proposed and suggested during the telephone interview.

Objections to the Drawings

Figures 8, 14, 16 and 20 stand objected to for various informalities. Without acceding to the correctness of these objections, Applicant files replacement sheets herewith that address the standing objections. In particular, replacement Figure 8 does not include reference number 110 and replacement Figure 16 does not include reference number 422. Moreover, replacement Figure 14 now illustrates actions 1400 – 1408 and the text of the specification is amended herein to reflect this change. Accordingly, withdrawal of the objections to the drawings is respectfully requested.

Rejections Under 35 U.S.C. §103

Claims 93, 95, 97, 98, 100 and 102-106 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beheshti et al. U.S. Patent No. 5,955,946 (hereinafter "Beheshti") in view of Venkatraman et al. U.S. Patent No. 6,139,177 (hereinafter "Venkatraman") in further view of Donaldson et al. U.S. Patent No. 6,112,237 (hereinafter "Donaldson"). Applicant does not accede that this proposed combination of Beheshti, Venkatraman and Donaldson is proper and reserves the right to traverse the proposed combination in the future. However, even if one were to combine the references as proposed, the proposed combination does not teach or suggest "a

housing configured for mounting to a room wall external to and separate from the equipment rack and at a distance above a raised floor” in combination with the remaining limitations of claims 93, 98 and 103. Therefore, the proposed combination fails to render amended claims 93, 98 and 103 obvious. Accordingly, withdrawal of the rejection of claims 93, 98 and 103 under 35 U.S.C. §103(a) is respectfully requested.

Dependent claims 95, 97, 100, 102 and 104-106 depend from independent claims 93, 98 and 103. Therefore, dependent claims 95, 97, 100, 102 and 104-106 are allowable for at least the same reasons as independent claims 93, 98 and 103, as amended. Accordingly, withdrawal of the rejection of claims 95, 97, 100, 102 and 104-106 under 35 U.S.C. §103(a) is respectfully requested.

Claims 107-114 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beheshti in view of Venkatraman in further view of Donaldson in still further view of Hunter et al. U.S. Patent No. 6,363,422 (hereinafter “Hunter”) in even further view of Pichat et al. U.S. Patent No. 4,686,450 (hereinafter “Pichat”). Applicant does not accede that this proposed combination of Beheshti, Venkatraman, Donaldson, Hunter and Pichat is proper and reserves the right to traverse the proposed combination in the future. However, even if one were to combine the references as proposed, the proposed combination does not teach or suggest “a housing configured for mounting to a room wall external to and separate from the equipment rack and at a distance above a raised floor” in combination with the remaining limitations of claim 107. Therefore, the proposed combination fails to render amended claim 107 obvious. Accordingly, withdrawal of the rejection of claim 107 under 35 U.S.C. §103(a) is respectfully requested.

Dependent claims 108-114 depend from independent claim 107. Therefore, dependent claims 108-114 are allowable for at least the same reasons as independent claim 107, as amended. Accordingly, withdrawal of the rejection of claims 108-114 under 35 U.S.C. §103(a) is respectfully requested.

Claims 94, 96, 99 and 101 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Beheshti in view of Venkatraman in further view of Donaldson in still further view of Hunter. Applicant does not accede that this proposed combination of Beheshti, Venkatraman, Donaldson and Hunter is proper and reserves the right to traverse the proposed combination in the future. However, even if one were to combine the references as proposed, the proposed combination does not teach or suggest “a housing configured for mounting to a room wall

external to and separate from the equipment rack and at a distance above a raised floor” in combination with the remaining limitations recited in dependent claims 94, 96, 99 and 101 by virtue of their dependency from independent claims 93 and 98, as amended. Therefore, the proposed combination fails to render claims 94, 96, 99 and 101 obvious. Accordingly, withdrawal of the rejection of claims 94, 96, 99 and 101 under 35 U.S.C. §103(a) is respectfully requested.

CONCLUSION

In view of the foregoing amendments and remarks, reconsideration is respectfully requested. This application should now be in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicant's attorney at the telephone number listed below.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee that is not covered by an accompanying payment, please charge any deficiency to Deposit Account No. 50/2762, Ref. A2000-720120.

Respectfully submitted,
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